

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1058

Citations Affected: IC 9-20; IC 12-15; IC 20-24; IC 36-4.

Synopsis: State administration. Requires the office of Medicaid policy and planning to make a presentation to the select joint commission on Medicaid oversight (IC 2-5-26-3) concerning the removal of the prescription drug program from a managed care provider's contract or provider agreement before the office may exclude a prescription drug program from a managed care provider's contract or provider agreement. Specifies that chiropractic services may be included in the Indiana check-up plan to the extent that the services are covered for other providers. Requires the department of education to adopt rules to govern the operation of virtual charter schools. Indicates that certain capital appropriation are not subject to further budget review. Corrects the name of the project for which legislative approval to issue bonds is being given. Indicates that a city in which a riverboat or a racino is located may finance the building of a school building for a school corporation located outside the city in the same county. Reduces the maximum total gross weight with load that a vehicle or combination of vehicles transporting an ocean going container may have from 95,000 pounds to 90,000 pounds. Repeals a repealer before it takes effect. **(This conference committee report deletes the language in EHB 1058 and replaces the language with the provisions contained in this conference committee report.)**

Effective: July 1, 2009.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1058 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration and to make an appropriation.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 9-20-6-2, AS AMENDED BY HEA 1001-2009,
- 6 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2009]: Sec. 2. (a) The Indiana department of transportation or
- 8 local authority that:
- 9 (1) has jurisdiction over a highway or street; and
- 10 (2) is responsible for the repair and maintenance of the highway
- 11 or street;
- 12 may, upon proper application in writing and upon good cause shown,
- 13 grant a permit for transporting heavy vehicles and loads or other
- 14 objects not conforming to this article, including a vehicle transporting
- 15 an ocean going container, if the department or authority finds that other
- 16 traffic will not be seriously affected and the highway or bridge will not
- 17 be seriously damaged.
- 18 (b) The permit granted under subsection (a) must authorize the
- 19 operation of a tractor-semitrailer and load that:
- 20 (1) exceeds the maximum length limitation under this chapter;
- 21 and
- 22 (2) is subject to regulation under this chapter;

from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(c) A permit may be issued under this section for the following:

- (1) A single trip.
- (2) A definite time not exceeding thirty (30) days.
- (3) A ninety (90) day period.
- (4) A one (1) year period.

(d) This subsection applies to the transportation of ocean going containers that:

- (1) have been sealed at the place of origin and have not been opened except by an agent of the federal government that may inspect the contents; ~~and~~

(2) originated outside the United States; and

~~(2)~~ **(3)** are being transported to or from a distribution facility.

The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed ~~ninety-five~~ **ninety** thousand ~~(95,000)~~ **(90,000)** pounds. A permit issued under this section must be issued on an annual basis. A permit issued under this subsection may not impose a limit on the number of movements generated by the applicant or operator of a vehicle granted a permit under this subsection.

SECTION 2. IC 12-15-12-4.5, AS ADDED BY P.L.101-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. **(a) Except as provided in subsection (b),** a managed care provider's contract or provider agreement with the office ~~may~~ **shall** include a prescription drug program, subject to IC 12-15-5-5, IC 12-15-35, and IC 12-15-35.5.

(b) The office may exclude a prescription drug program from a managed care provider's contract or provider agreement only after making a presentation to the select joint commission on Medicaid oversight (IC 2-5-26-3) concerning the removal of the prescription drug program from a managed care provider's contract or provider agreement.

SECTION 3. IC 12-15-44.2-4, AS ADDED BY P.L.3-2008, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The plan must include the following in a manner and to the extent determined by the office:

- (1) Mental health care services.
- (2) Inpatient hospital services.
- (3) Prescription drug coverage.
- (4) Emergency room services.
- (5) Physician office services.
- (6) Diagnostic services.
- (7) Outpatient services, including therapy services.
- (8) Comprehensive disease management.
- (9) Home health services, including case management.
- (10) Urgent care center services.
- (11) Preventative care services.
- (12) Family planning services:
 - (A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396

- 1 et seq.); and
- 2 (B) not including abortion or abortifacients.
- 3 (13) Hospice services.
- 4 (14) Substance abuse services.
- 5 **(15) Chiropractic services to the extent that the services are**
- 6 **covered for other providers.**
- 7 (b) The plan must do the following:
- 8 (1) Offer coverage for dental and vision services to an individual
- 9 who participates in the plan.
- 10 (2) Pay at least fifty percent (50%) of the premium cost of dental
- 11 and vision services coverage described in subdivision (1).
- 12 (c) An individual who receives the dental or vision coverage offered
- 13 under subsection (b) shall pay an amount determined by the office for
- 14 the coverage. The office shall limit the payment to not more than five
- 15 percent (5%) of the individual's annual household income. The
- 16 payment required under this subsection is in addition to the payment
- 17 required under section 11(b)(2) of this chapter for coverage under the
- 18 plan.
- 19 (d) Vision services offered by the plan must include services
- 20 provided by an optometrist.
- 21 (e) The plan must comply with any coverage requirements that
- 22 apply to an accident and sickness insurance policy issued in Indiana.
- 23 (f) The plan may not permit treatment limitations or financial
- 24 requirements on the coverage of mental health care services or
- 25 substance abuse services if similar limitations or requirements are not
- 26 imposed on the coverage of services for other medical or surgical
- 27 conditions.
- 28 SECTION 4. IC 20-24-7-13, AS ADDED BY HEA 1001-2009,
- 29 SECTION 103, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) As used in this SECTION,
- 31 "virtual charter school" means any charter school, including a
- 32 conversion charter school, that provides for the delivery of more than
- 33 fifty percent (50%) of instruction to students through:
- 34 (1) virtual distance learning;
- 35 (2) online technologies; or
- 36 (3) computer based instruction.
- 37 (b) The department shall establish a pilot program to provide
- 38 funding for a statewide total of up to one hundred (100) students who
- 39 attend virtual charter schools. In the first year of the pilot program, the
- 40 department shall operate the virtual charter school. Beginning with the
- 41 second year of the pilot program, the department shall choose an entity
- 42 or entities to operate the virtual charter school. The pilot program shall
- 43 focus on children who have medical disabilities that prevent them from
- 44 attending school or who are unable for other reasons to attend school.
- 45 (c) A virtual charter school is entitled to receive funding from the
- 46 state in an amount equal to the product of:
- 47 (1) the number of students included in the virtual charter school's
- 48 ADM who are participating in the pilot program; multiplied by
- 49 (2) eighty percent (80%) of the statewide average basic tuition
- 50 support.
- 51 **(d) The department shall adopt rules under IC 4-22-2 to govern**

1 **the operation of virtual charter schools.**

2 SECTION 5. IC 36-4-8-15.5, AS ADDED BY HEA 1001,
3 SECTION 156, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) This section applies
5 to:

- 6 (1) a city in which a riverboat (as defined in IC 4-33-2-17) is
7 docked or located or gambling games (as defined in IC 4-35-2-5)
8 are located; and
9 (2) a school corporation that is located in any part in a city
10 described in subdivision (1) **or the county in which the city is**
11 **located.**

12 (b) A city may do any of the following:

- 13 (1) Enter into one (1) or more agreements or leases with the
14 school corporation or another public or private entity to provide
15 for the construction or renovation of a school building that will be
16 used by the school corporation. The agreements and leases may
17 provide for the financing of the construction or renovation of the
18 school building.
19 (2) A school building constructed or renovated as provided in
20 subdivision (1) may be donated, sold, or leased to the school
21 corporation under the conditions determined by the school
22 corporation and the city.
23 (3) The city may use any revenues (including any gaming
24 revenues) to pay for the construction or renovation of the school
25 building or to finance the construction or renovation of the school
26 building.

27 SECTION 6. HEA 1001-2009, SECTION 38 IS AMENDED TO
28 READ AS FOLLOW [EFFECTIVE UPON PASSAGE]: The trustees
29 of Vincennes University may issue and sell bonds under IC 21-34 for
30 the purpose of constructing, furnishing, and equipping a center for
31 advanced manufacturing and applied technology on the Jasper campus
32 of Vincennes University, if the sum of principal costs of any bonds
33 issued, excluding amounts necessary to provide money for debt service
34 reserves, credit enhancement, or other costs incidental to the issuance
35 of the bonds, does not exceed eight million dollars (\$8,000,000). This
36 authorization is a restatement of and is not in addition to the
37 authorization under P.L.234-2007, SECTION 175. **Notwithstanding**
38 **any other law, no further review by the budget committee or**
39 **approval by the governor, the budget agency, or the commission**
40 **for higher education is necessary to issue and sell bonds for the**
41 **projects described in this SECTION.**

42 SECTION 7. HEA 1001-2009, SECTION 39, IS AMENDED TO
43 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
44 39. The trustees of Vincennes University are authorized to acquire,
45 construct, renovate, improve, and equip a multicultural center to be
46 funded from sources other than student fees or state funds or bonds
47 payable from student fees or state funds if the total cost of the project
48 does not exceed five million dollars (\$5,000,000). This authorization
49 is a restatement of and is not in addition to the authorization under
50 P.L.234-2007, SECTION 177. **Notwithstanding any other law, no**
51 **further review by the budget committee or approval by the**

governor, the budget agency, or the commission for higher education is necessary to issue and sell bonds for the projects described in this SECTION.

SECTION 8. HEA 1001-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 40 (a) The trustees of the following institutions may issue and sell bonds under IC 21-34 for the following projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

Indiana University South Bend - Arts Building	
Renovation	\$27,000,000
Indiana University, Purdue University at	
Indianapolis - Neurosciences Research Building	20,000,000
Indiana University Southeast Medical	
Education Center A & E	1,000,000
Indiana State University - Life Sciences/Chemistry	
Laboratory Renovations & Chiller	14,800,000
Ball State University - Central Campus	
Academic Project, Phase I & Utilities	33,000,000
Ivy Tech - Indianapolis Community College	
for the Fall Creek Expansion Project	69,370,000
Ivy Tech - Lamkin Center for Instructional	
Development and Leadership	1,000,000
Ivy Tech - Warsaw A & E	1,000,000
Ivy Tech - Muncie\Anderson A & E	4,800,000
Ivy Tech - Elkhart Phase I	4,000,000
Purdue University Calumet - Gyt Building A & E	2,400,000
Purdue University North Central -	
Student Services & Recreation Center A & E	1,000,000

The budget committee shall meet to determine the total amount to be authorized for the Ivy Tech - Indianapolis Community College Fall Creek Expansion Project before June 30, 2009. In making the determination, the budget committee shall compare the estimated cost of \$15,000,000 for improvement and expansion of student services, financial aid, and student gathering spaces, and the estimated cost of \$38,200,000 for classrooms, teaching labs, study spaces, and support areas with costs per square foot for comparable construction in Marion County. However, the amount authorized for NMC renovation is \$12,400,000 and the amount authorized for the technical building renovation is \$3,800,000.

(b) Except for an additional \$4,000,000 authorized for Ivy Tech - Elkhart Phase I, the authorizations under this SECTION are a restatement of and are not in addition to the authorizations under P.L.234-2007, SECTION 179. The \$4,000,000 authorized for Ivy Tech - Elkhart Phase I is in addition to sixteen million dollars (\$16,000,000) authorized under P.L.234-2007, SECTION 179.

(c) Notwithstanding any other law, no further review by the budget committee or approval by the governor, the budget agency, or the commission for higher education is necessary to issue and

1 **sell bonds for the projects described in this SECTION.**

2 SECTION 9. HEA 1001-2009, SECTION 41, IS AMENDED TO
3 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
4 41. (a) The trustees of the following institution may issue and sell
5 bonds under IC 21-34 for the following project if the sum of principal
6 costs of any bond issued, excluding amounts necessary to provide
7 money for debt service reserves, credit enhancement, or other costs
8 incidental to the issuance of the bonds, does not exceed the total
9 authority listed below for that institution:

10 Purdue University West Lafayette -

11 Animal Disease Diagnostic Laboratory (BSL-3) \$30,000,000

12 (b) The Indiana department of administration, acting on behalf of
13 the Indiana state board of animal health, in recognition of the state
14 board of animal health's statutory functions involving the animal
15 disease diagnostic laboratory, is hereby authorized and directed to enter
16 into a lease agreement, as lessee, with the trustees of Purdue University
17 as lessor, covering animal disease diagnostic laboratory (BSL-3).

18 (c) The authorizations under this SECTION are a restatement of and
19 are not in addition to the authorizations under P.L.234-2007, SECTION
20 180.

21 **(d) Notwithstanding any other law, no further review by the**
22 **budget committee or approval by the governor, the budget agency,**
23 **or the commission for higher education is necessary to issue and**
24 **sell bonds for the projects described in this SECTION.**

25 SECTION 10. HEA 1001-2009, SECTION 42, IS AMENDED TO
26 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
27 42. (a) Notwithstanding SECTION 244 of HEA 1001-2005, the trustees
28 of Purdue University may issue and sell bonds under IC 21-34 for the
29 following project if the sum of principal costs of any bond issued,
30 excluding amounts necessary to provide money for debt service
31 reserves, credit enhancement, or other costs incidental to the issuance
32 of the bonds, does not exceed the total authority listed below:

33 Purdue University North Central Campus

34 Parking Garage No. 1 \$8,000,000

35 (b) The authorization under this SECTION is a restatement of and
36 is not in addition to the authorization under P.L.234-2007, SECTION
37 186.

38 **(c) Notwithstanding any other law, no further review by the**
39 **budget committee or approval by the governor, the budget agency,**
40 **or the commission for higher education is necessary to issue and**
41 **sell bonds for the projects described in this SECTION.**

42 SECTION 11. IC HEA1001-2009, SECTION 43, IS AMENDED
43 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: SECTION
44 43. The trustees of the following institutions may issue and sell bonds
45 under IC 21-34, subject to the approvals required by IC 21-33-3, for the
46 following projects if the sum of principal costs of any bond issued,
47 excluding amounts necessary to provide money for debt service
48 reserves, credit enhancement, or other costs incidental to the issuance
49 of the bonds, does not exceed the total authority listed below for that
50 institution:

51 Indiana University Purdue University at Indianapolis

1	Neurosciences Building	33,000,000
2	Indiana University South Bend Bloomington	
3	Cyber Infrastructure	35,700,000

4 Except as provided by this SECTION, the above projects are eligible
5 for fee replacement after July 1, 2011. Only sixteen million dollars
6 (\$16,000,000) of the Indiana University ~~South Bend~~ **Bloomington**
7 Cyber Infrastructure project and twenty-three million dollars
8 (\$23,000,000) of the Indiana University Purdue University at
9 Indianapolis Neurosciences Building project are eligible for fee
10 replacement after July 1, 2011.

SECTION 12. [EFFECTIVE JULY 1, 2009] (a) **There are appropriated the following amounts for the following periods to the budget agency from the tobacco master settlement agreement fund (IC 4-12-1-14.3) for the purposes of the total operating expenses of the Indiana prescription drug program:**

(1) For the state fiscal year beginning July 1, 2009, and ending June 30, 2010, one million one hundred seventeen thousand eight hundred thirty dollars (\$1,117,830).

19 **(2) For the state fiscal year beginning July 1, 2010, and ending**
20 **June 30, 2011, one million one hundred seventeen thousand**
21 **eight hundred thirty dollars (\$1,117,830).**

22 **(b) The appropriations made for:**

23 (1) the state fiscal year beginning July 1, 2009, and ending
24 June 30, 2010; and

25 **(2) the state fiscal year beginning July 1, 2010, and ending**
26 **June 30, 2011;**

27 to the professional licensing agency board of pharmacy by HEA
28 1001-2009, SECTION 8 for the purposes of the total operating
29 expense of the Indiana prescription drug program are voided and
30 the tobacco master settlement agreement fund (IC 4-12-1-14.3)
31 shall not be charged with the appropriation.

(c) There are appropriated the following amounts for the following periods to the professional licensing agency board of pharmacy from the tobacco master settlement agreement fund (IC 4-12-1-14.3) for the purposes of the total operating expenses of the prescription drug fraud control program (IC 25-26-13-4):

37 (1) For the state fiscal year beginning July 1, 2009, and ending
38 June 30, 2010, four million five hundred thousand dollars
39 (\$4,500,000).

40 **(2) For the state fiscal year beginning July 1, 2010, and ending**
41 **June 30, 2011, four million five hundred thousand dollars**
42 **(\$4,500,000).**

(d) There are appropriated the following amounts for the following periods to Indiana University from the state general fund for the purposes of the total operating expenses of the resource center for autism:

47 **(1) For the state fiscal year beginning July 1, 2009, and ending**
48 **June 30, 2010, one hundred fifty thousand dollars (\$150,000).**

49 **(2) For the state fiscal year beginning July 1, 2010, and ending**
50 **June 30, 2011, one hundred fifty thousand dollars (\$150,000).**

51 SECTION 13. [EFFECTIVE UPON PASSAGE] (a) HEA

1 **1447-2009, SECTION 274 is repealed.**
2 (b) Notwithstanding HEA 1447-2009, the repeal of the
3 provisions listed in IC 2-3.5-2-9, IC 2-3.5-2-13, IC 5-10.2-2-16,
4 IC 5-10.2-2-17, IC 5-10.3-3-1, IC 5-10.3-3-2, IC 5-10.3-3-3,
5 IC 5-10.3-3-4, IC 5-10.3-3-5, IC 5-10.3-3-6, IC 5-10.3-3-9,
6 IC 5-10.3-4-1, IC 5-10.3-4-2, IC 5-10.3-9-5, IC 5-10.4-3-1,
7 IC 5-10.4-3-2, IC 5-10.4-3-3, IC 5-10.4-3-4, and IC 5-10.4-3-5 by
8 HEA 1447-2009 shall not take effect and those sections of the
9 Indiana Code are not repealed.
10 SECTION 14. An emergency is declared for this act.
 (Reference is to EHB 1058 as reprinted April 14, 2009.)

Conference Committee Report
on
Engrossed House Bill 1058

Signed by:

Representative Crawford
Chairperson

Senator Kenley

Representative Pelath

Senator Simpson

House Conferees

Senate Conferees